



# PECFA POST



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PECFA POST, Volume 6, Issue 2

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June 2006

## EXTRA, EXTRA, READ ALL ABOUT IT...

### THIS ISSUE OF THE PECFA POST IS DEDICATED TO THE IMPLEMENTATION OF THE NEW COMM 47!!

#### THE OCCURRENCE CLASSIFICATION DEADLINE HAS PASSED. DID YOU REPORT?

The deadline for submitting Annual Reporting and Occurrence Classification forms has come and gone. Thanks to all who completed the online reporting. Per Comm 47.325(4)(b), sites that were required to complete the occurrence classification form for one or more occurrences, but did not do so, will not be reimbursed for work conducted (including interest costs) beginning May 1, 2006, until the completed form is received by the Wisconsin Department of Commerce (Commerce). The previous online reporting application, which included the Occurrence Classification form, is no longer available online. A paper copy of the form must be requested from Renee' Dickey at: [renee.dickey@wisconsin.gov](mailto:renee.dickey@wisconsin.gov), 608-264-8765 or by mail at Wisconsin Department of Commerce, Attn: Renee' Dickey, 201 W. Washington Ave, PO Box 7838, Madison, WI 53707.

#### COST REQUESTS TO SITE REVIEW AFTER MAY 1, 2006

When consultants request budget approvals from Commerce Site Review staff, cost summaries for additional funding for sites that must utilize the Usual and Customary Cost Schedule (UCCS) are to be provided on a draft standardized invoice. Failure to do so could result in delays and follow-up requests for such a summary. Text, indicating the scope of work and its justification, is also required. Such cost summaries are to be used for investigation change orders, bid waivers, bid deferments, etc. In the case of bid waivers Commerce requests all costs to closure. For bid deferments, Commerce requires all costs to the point of creating a bid specification. Such a cost summary is not required for cost requests to modify bid budgets. However, be aware that the approval process for bid cap modifications will use the UCCS as a guideline for approvals.

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**CAUGHT IN THE RULE CHANGE...\$40,000 INVESTIGATION CAP DROPPED TO \$20,000**

If an investigation began prior to the Comm 47 rule change, costs may have been incurred that exceed the new \$20,000.00 site investigation cap implemented as of May 1, 2006. If so, it is imperative that an exceedance request be submitted to Commerce immediately, for any costs exceeding the new \$20,000.00 cap.

In addition, approval to incur additional costs above the cap to complete the investigation must be submitted. Comm 47.337(2) requires Commerce approval prior to exceeding the cap, meaning any costs incurred above \$20,000 after April 30, 2006, will not be eligible for reimbursement unless previously approved. In addition, all investigation costs incurred as of May 1, 2006 are only reimbursable at rates allowed on the UCCS (Comm 47.325).

**WHEN COMMODITY BIDDING IS NOT REQUIRED**

Comm 47.33(6) identifies when commodity bidding is NOT required by Commerce. Careful examination of this section reveals that commodity bidding is not required when: 1) the reimbursement cap is set using the UCCS, where the cap on commodities is built into the UCCS; 2) the reimbursement cap is set using the public bidding process; 3) the cost of a particular commodity service and the multiple use of a particular commodity service will not exceed \$1,000; and 4) written permission is given by Commerce, prior to incurring costs for the service, when it is determined that the bidding of the service will not further the goals of the program. If you have questions with regard to commodity bidding, please call the Commerce Project Manager for the site.

**COST EFFECTIVE REMEDIATIONS DON'T ESCAPE USUAL AND CUSTOMARY COST SCHEDULE REQUIREMENTS**

Recently, Commerce has processed many "less than \$60,000 notification" (\$60k) letters for cost effective remediations. That remedial option is no longer viable with the revisions to Comm 47, effective May 1, 2006. However, consultants must keep in mind that the rules for remediating these sites changed with the rule revisions. As of May 1, 2006, \$60k sites must adhere to the requirements of section Comm 47.325, which caps reimbursement rates for tasks using the UCCS. Only sites with caps established through the bidding process, limited emergency action activities and home heating oil tank sites are exempted from this section of the code.

So, as you progress with these cost effective remediations, be aware that tasks are limited to those listed on the UCCS. In addition, Commerce pre-approval is required for some of the tasks included on the schedule.

**PECFA POST SUBSCRIPTION AND REQUEST FOR TOPICS**

To subscribe to the PECFA Post go to <http://commerce.state.wi.us/ER/ER-PECFA-News.html#PecfaPost>, scroll down, enter your email address and name and click the subscribe box. You will receive an email to confirm your email address. Upon confirmation, you will have been added to the electronic distribution list.

If you do not have e-mail, you may call, (920) 303-5410, or write Beth Erdman at ERS Division, Bureau of PECFA, 2129 Jackson Street, Oshkosh, WI 54901 and request to be placed on the mailing list.

Commerce appreciates suggestions for future Post topics or comments on current articles. Please contact Beth Erdman at [beth.erdman@wisconsin.gov](mailto:beth.erdman@wisconsin.gov) or mail suggestions or topics to the address listed above.

## UPCOMING COMM 47 REPORTING AND CONTRACT NOTIFICATION DEADLINES

Deadlines for some of the Comm 47 reporting requirements are fast approaching. Per Comm 47.71(5)(A), occurrences with reimbursement caps determined through the public bidding process prior to May 1, 2006 (round 42 and earlier) must submit the initial progress report (web report) by **August 1, 2006**. In order to access and complete the web report, consultants will also need to update contract status via the Commerce Reporting website at: <http://commerce.wi.gov/ER/ER-PECFA-SiteReportingTemp.html>. Because Commerce's contract notification web application was not in use during the first few weeks of May, sites which first contracted with a consultant in early May will not be penalized for late contract notifications. Consultants for these sites need to provide contract notifications as soon as possible.

Per Comm 47.60(1), sites that start an investigation after May 1, 2006 are required to provide contract notifications to Commerce within 14 days of executing a contract. Comm 47.62 requires that these sites submit their first progress report (web report) by the anniversary date of the contract between the consulting firm and the RP, at the end of the calendar month that follows the month of completion of each investigation phase (Comm 47.62(1)(a)(2)), or at the end of the calendar month that follows the month of completion of the site investigation (Notice of Completion of Investigation Comm 47.62(4)).

For occurrences with site investigations in progress prior to May 1, 2006, Comm 47.71(2) requires that contract notifications and initial progress reports be submitted no later than 60 days after May 1, 2006 (**June 30, 2006**). **Please note:** All of the sites which fit this definition, and submit occurrence classification by May 30, 2006, will be given bid deferred status and will need to follow the reporting schedule indicated in deferment letters. Only those sites with an investigation in progress on May 1, 2006, that fail to submit occurrence classification or fail to receive a deferment letter, will need to comply with the June 30, 2006 deadline indicated above.

All reports and notifications described above can be completed at the following web site: <http://commerce.wi.gov/ER/ER-PECFA-SiteReportingTemp.html> and can also be accessed via the Petroleum Environmental Cleanup Fund Award (PECFA) home page.

## USUAL AND CUSTOMARY COST SCHEDULE CLAIM REQUIREMENTS

The Commerce Bureau of PECFA claim review section (Claims) would like to request that when submitting claims associated with the UCCS, that they include complete reports and any other supporting documentation. The UCCS details the reimbursement costs for a myriad of tasks associated with the investigation and remediation of eligible petroleum contamination sites. Site investigation reports, as well as all other submittals, are to be complete. Paid invoices for work completed by subcontractors is no longer valid for reimbursement under the UCCS.

## THE FREQUENTLY ASKED QUESTIONS FROM THE COMM 47 INFORMATIONAL SESSIONS ARE NOW ON THE WEB

The Comm 47 Informational Sessions that were held in February & March produced many questions regarding the changes to Comm 5 & Comm 47. The questions received, via the index cards provided at the sessions, have been answered and are posted on the PECFA

website. You may access the questions and answers at the following link: <http://commerce.wi.gov/ERpdf/pecfa/ER-PECFA-FAQs2.pdf>.

Questions are presently not sorted by category, but will be categorized in the near future as Comm 5, Usual & Customary, Public Bidding, Reporting and Standardized Invoicing, etc.

Additional questions regarding the code changes may be submitted to: [comm47revisions@commerce.state.wi.us](mailto:comm47revisions@commerce.state.wi.us). A member of the Bureau of PECFA will respond to your question. Questions received will be posted on the webpage under the appropriate category.

### **539 AND 546 ZIPCODES**

In the June 2005 issue of the PECFA Post, Commerce announced that David Swimm had accepted the position of the PECFA Site Review Advanced Hydrogeologist (Advanced). As a result of David's expanded responsibilities, Hydrogeologist Brian Taylor was transferred from zones 544 and 547 to partner with Hydrogeologist Gena Larson to manage zones 539 and 546. Since June 2005, David has transferred most of his sites to either Brian or Gena. Therefore, contact Brian or Gena with regard to sites within the 539 and 546 areas.

### **NEW EMAIL ADDRESSES**

This year will bring about changes in many State agencies as a result of the Department of Administration (DOA) Shared Information initiative. The initiative includes email consolidation. New email addresses are effective and follow this format: [firstname.lastname@wisconsin.gov](mailto:firstname.lastname@wisconsin.gov).

Previous email addresses for Commerce will remain valid for two to three years. Email sent to either the current or previous address will be delivered to the recipient.

### **INELIGIBLE INTEREST COSTS REMINDER**

Under Comm 47.305 (1)(b)6, if an applicant does not complete the investigation of a petroleum product discharge by the first day of the 61<sup>st</sup> month after notifying Commerce or after October 1, 2003, whichever is later, interest costs incurred after the latter of those days are not eligible for reimbursement. Local governments and brownfields sites are exempt.

### **REMINDER ABOUT DEPARTMENT OF TRANSPORTATION RIGHTS-OF-WAY NOTIFICATIONS**

The Department of Transportation (DOT) is still encountering confusion about the notices of contamination within rights-of-way. Section NR 726.05(2)(b)4, Wis. Admin. Code, requires notification of appropriate units of government when a site closure request is being made with groundwater enforcement standard (ES) exceedences in the right-of-way. For state trunk, interstate and U.S. highways, DOT has asked that all notifications of contamination within the highway rights-of-way be directed to Shar Te Beest by email at [sharlene.tebeest@dot.state.wi.us](mailto:sharlene.tebeest@dot.state.wi.us). The subject line of the email should read "Notification of Contamination within Right-of-Way." DOT will acknowledge receipt by return email, not by letterhead stationary.

DOT requests that all notifications include the following information, in this order: county; highway; site name; site address; Department of Natural Resources (DNR) BRRTS number; Commerce number; DNR FID number; owner's name; owner's address; consulting firm; consultant contact; consultant address; consultant phone; consultant fax and email; soil contamination? yes or no; depth to contaminated soil; vertical extent of contaminated soil (from \_ feet to \_ feet below ground surface); groundwater contamination? yes or no; depth to water table; description of the type(s) of contamination present; brief summary of cleanup activity; attachment with a current plume map for groundwater contamination; attachment with a current isoconcentration map for soil contamination. Maps may be submitted as attachments to the email. DOT prefers attachments that are Adobe Acrobat pdf or MS Word documents. If the highway is also a city street, the city should also be notified.

## **FAREWELL TO DARIN POWERS**

Darin Powers left the Commerce Bureau of PECFA Claim Review Section on May 11, 2006. Darin started with the PECFA program in 1994 as a project employee, working on special projects for PECFA. He accepted a permanent position with PECFA as a Program Specialist (claim reviewer) in June 1997. As a senior program specialist for the past five years, his main responsibility was working with the PECFA legal department on appeals.

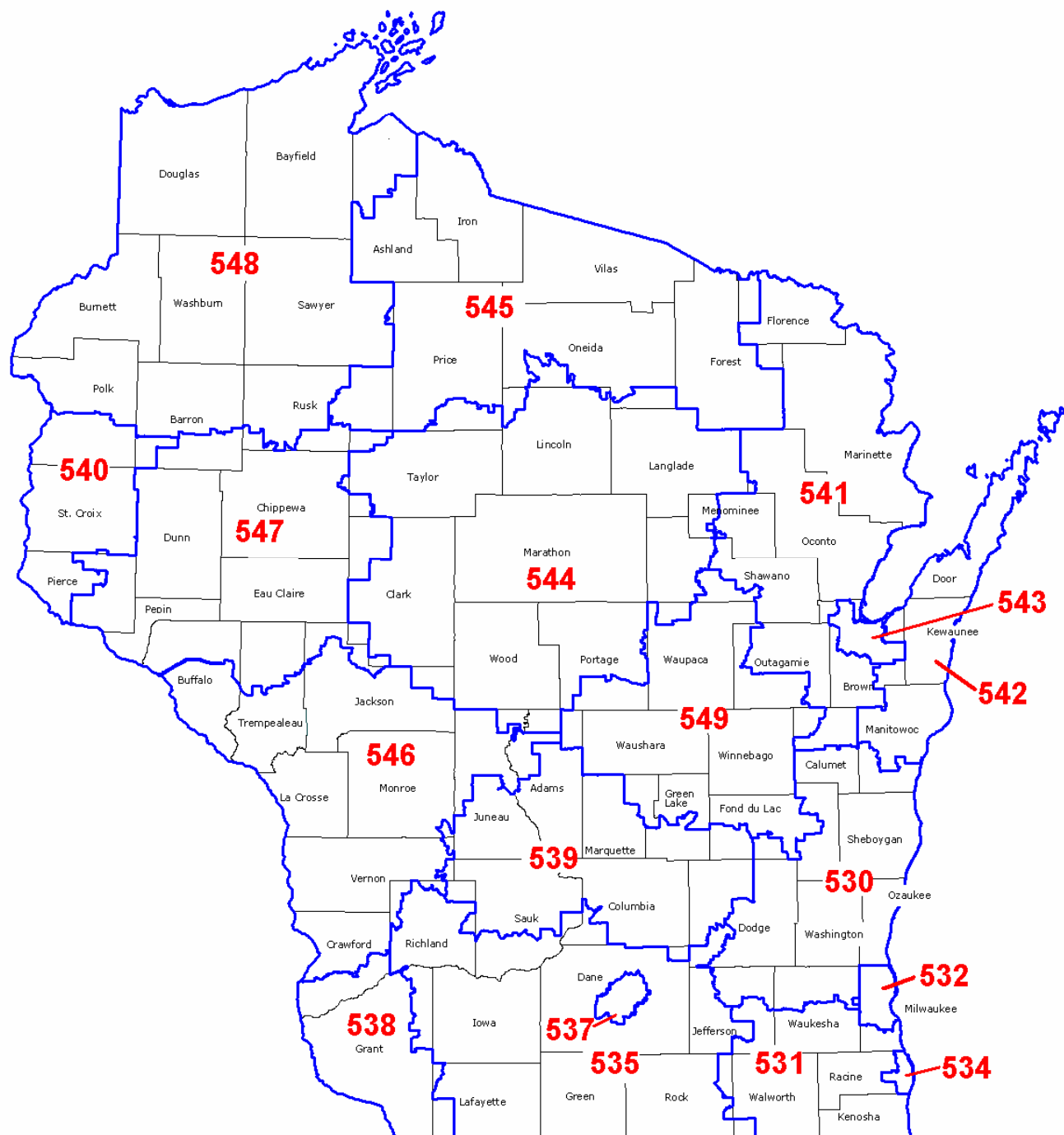
Darin has accepted a position with the Office of Justice Assistance in Madison, where his main responsibility will be processing applications for Homeland Security Grants. Darin provided excellent customer service and was instrumental in changing public perception of the PECFA program. He will be deeply missed, and we wish him well in his future endeavors.

## **JENNIFER SKINNER IS LEAVING COMMERCE**

Commerce announces the departure of Jennifer Skinner from the Bureau of PECFA Site Review Section this summer. Jennifer began her career in state service in December 1992 as a Hydrogeologist with the DNR. She transferred to Commerce from DNR in 1996.

As many people know, Jennifer is the Advanced Hydrogeologist in the Southeast Regional office. Her extensive knowledge and expertise, not to mention her friendly demeanor, will be greatly missed. Jennifer is completing a Masters degree in Counseling Education from Concordia University and will be pursuing a career as a school counselor. We wish her the best in future endeavors.

# PECFA SITE REVIEW ZONE COVERAGE MAP



# PECFA SITE REVIEW ZONE CONTACT INFORMATION

|  |  |  |   |
|--|--|--|---|
| <b>Bureau Director</b><br><a href="#">Oscar Herrera</a> (608) 266-7605<br>WI Dept of Commerce FAX 608-267-1381<br>201 W Washington Ave<br>PO Box 8044<br>Madison WI 53708-8044 |  | <b>Section Chief Site Review Section</b><br><a href="#">Eric Scott</a> (608) 266-8516<br>WI Dept of Commerce FAX 608-267-1381<br>201 W Washington Ave<br>PO Box 8044<br>Madison WI 53708-8044  |   |
| <b>Program Assistant</b><br><a href="#">Cathy Voges</a> (608) 261-7717<br>WI Dept Of Commerce FAX 608-267-1381<br>201 W Washington Ave<br>PO Box 8044<br>Madison WI 53708-8044 |  | <b>Program Assistant</b><br><a href="#">Kristi Prindle</a> (608) 267-3753<br>WI Dept Of Commerce FAX 608-267-1381<br>201 W Washington Ave<br>PO Box 8044<br>Madison WI 53708-8044  |   |
| <b>ZIP CODE STARTING WITH:</b>   |  | <b>CONTACT INFO (click on project manager name to send email):</b>   |   |
| <b>530, 531, 532, 534</b>  |  | <a href="#">Lee Delcore</a> (414) 220-5403<br><a href="#">Stephen Mueller</a> (414) 220-5402<br><a href="#">Jennifer Skinner</a> (414) 220-5373<br><a href="#">Greg Michael</a> (414) 220-5375<br><a href="#">Monica Weis</a> (414) 220-5361<br><a href="#">Linda Michalets</a> (414) 220-5376 | WI Dept of Commerce<br>101 W Pleasant St<br>Suite 100A<br>Milwaukee WI 53212-3963<br>FAX 414-220-5374   |
| <b>535</b>   |  | <a href="#">Ralph Smith</a> (608) 261-6543<br><a href="#">Alan Hopfensperger</a> (608) 266-0562  | WI Dept of Commerce<br>201 W Washington Ave<br>PO Box 8044<br>Madison WI 53708-8044<br>FAX 608-267-1381 |
| <b>537</b>   |  | <a href="#">Jon Heberer</a> (608) 261-5405   |   |
| <b>538</b>   |  | <a href="#">Andy Alles</a> (608) 261-8509  |   |
| <b>539, 546</b>  |  | <a href="#">David Swimm</a> (608) 264-8766<br><a href="#">Gena Larson</a> (608) 261-5404<br><a href="#">Brian Taylor</a> (608) 266-0593  |   |
| <b>540</b>   |  | <a href="#">Shawn Wenzel</a> (608) 261-5401  |   |
| <b>545</b>   |  | <a href="#">David Blair</a> (608) 261-2515   |   |
| <b>548</b>   |  | <a href="#">Will Myers</a> (608) 261-7718  |   |
| <b>544</b>   |  | <a href="#">Dee Zoellner</a> (715) 342-3802  | WI Dept of Commerce<br>2715 Post Rd<br>Stevens Point WI 54481-6456<br>FAX 715-345-5225                  |
| <b>547</b>   |  | <a href="#">Tim Zeichert</a> (715) 345-5307  |   |
| <b>542, 543</b>  |  | <a href="#">Robert Klauk</a> (920) 424-0046  | WI Dept of Commerce<br>2129 Jackson St<br>Oshkosh WI 54901-1805<br>FAX 920-424-0217                     |
| <b>549*</b>  |  | <a href="#">Tom Verstegen</a> (920) 424-0025   |   |
| <b>541</b>   |  | <a href="#">Beth Erdman</a> (920) 303-5410   |   |

\*Outagamie, Winnebago, Fond du Lac Counties are project managed by Robert Klauk and the remainder of 549 sites including the City of New London are managed by Dee Zoellner.



# PECFA CLAIM REVIEW CONTACT INFORMATION

|   |   |   |  |
|---|---|---|--|
| <b>Bureau Director</b><br><a href="#">Oscar Herrera</a> (608) 266-7605<br>WI Dept of Commerce<br>201 W Washington Ave<br>PO Box 8044<br>Madison WI 53708-8044 |   | <b>Section Chief Claim Review Section</b><br><a href="#">Dennis Legler</a> (608) 267-7642<br>WI Dept of Commerce<br>201 W Washington Ave<br>PO Box 7838<br>Madison WI 53707 |  |
| <b>Position</b>   | <b>CONTACT INFO (click on claim reviewer name to send email):</b> |   |  |
| <b>Claim Review</b>   | <a href="#">Jean Beckwith</a>                                     | (608) 266-6796  | WI Dept of Commerce<br>201 W Washington Ave<br>PO Box 7838<br>Madison WI 53707<br>FAX 608-267-1381 |
|   | <a href="#">Linda Collier</a>                                     | (608) 267-5264  |  |
|   | <a href="#">Lorraine Narvaez</a>                                  | (608) 261-7716  |  |
|   | <a href="#">Tim Prosa</a>   | (608) 261-7715  |  |
| <b>Initial Claim Eligibility</b>  | <a href="#">Renee Dickey</a>                                      | (608) 264-8765  |  |
| <b>Commodity Bid Waivers</b>  | <a href="#">Mary Ann Gosda</a>                                    | (608) 266-9420  |  |
| <b>Appeals Field Audit</b>  | <a href="#">James Moser</a>                                       | (608) 267-1394  |  |
| <b>Appeals Coordinator-Initial Contact for Appeals</b>  | <a href="#">Laura Pleasants</a>                                   | (608) 261-2511  |  |
| <b>Initial Claim Review</b>   | <a href="#">Diane Ploessl</a>                                     | (608) 261-7723  |  |
| <b>Financial Manager-Payment Issues</b>   | <a href="#">Dottie White</a>                                      | (608) 266-3713  |  |
| <b>Program Assistant</b>  | <a href="#">Kristi Prindle</a>                                    | (608) 267-3753  | WI Dept of Commerce<br>201 W Washington Ave<br>PO Box 8044<br>Madison WI 53708<br>FAX 608-267-1381 |
| <b>Field Auditor</b>  | <a href="#">Carl Kramer</a>                                       | (262) 638-7247  |  |